

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA)

v.)

KYLE EVERETT HUSKEY)
_____)

DOCKET NO. 1:19CR78

FACTUAL BASIS

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea.

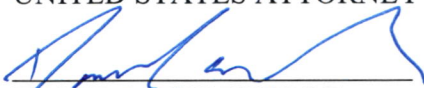
This Factual Basis does not attempt to set forth all of the facts known to the United States at this time. This Factual Basis is not a statement of the defendant, and, at this time, the defendant may not have provided information to the United States about the offenses to which the defendant is pleading guilty, or the defendant's relevant conduct, if any.

By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender. The parties also agree that this Factual Basis may, but need not, be used by the United States Probation Office and the Court in determining the applicable advisory guideline range under the *United States Sentencing Guidelines* or the appropriate sentence under 18 U.S.C. § 3553(a). The defendant agrees not to object to any fact set forth below being used by the Court or the United States Probation Office to determine the applicable advisory guideline range or the appropriate sentence under 18 U.S.C. § 3553(a) unless the defendant's right to object to such particular fact is explicitly reserved below. The parties' agreement does not preclude either party from hereafter presenting the Court with additional facts which do not contradict facts to which the parties have agreed not to object and which are relevant to the Court's guideline computations, to 18 U.S.C. § 3553 factors, or to the Court's overall sentencing decision.

1. On December 15, 2018, KYLE HUSKEY was residing at 10811 Lower Alarka Road, Bryson City, Swain County, North Carolina. On that day, HUSKEY possessed an American Tactical Model OLR-15 .223 caliber rifle, a Phoenix Arms HP22A .22 caliber handgun, 90 rounds of .22 caliber ammunition, and 16 rounds of .223 caliber ammunition.
2. The OLR-15 rifle was manufactured in the state of New York.
3. The Phoenix Arms HP22A handgun was manufactured in the state of California.
4. The ammunition was manufactured outside of North Carolina.

5. On December 29, 2018, HUSKEY was driving a Chevrolet Tahoe on a public road near Bryson City, North Carolina, in Swain County. While stopped at a vehicle checkpoint, HUSKEY was found to be in possession of a Remington Model 870 shotgun.
6. The Remington Model 870 shotgun was manufactured in the state of New York.
7. On February 23, 2019, HUSKEY was riding as a passenger in a vehicle on a public road near Bryson City, North Carolina, in Swain County. During a traffic stop, HUSKEY was found to be in possession of a Smith and Wesson M&P .40 caliber handgun and 56 rounds of .40 caliber ammunition.
8. The Smith and Wesson M&P .40 caliber handgun was manufactured in Connecticut.
9. The .40 caliber ammunition was manufactured outside of North Carolina.
10. On June 16, 2015, HUSKEY was convicted of a crime punishable by more than one year imprisonment. HUSKEY has not received a pardon or clemency.
11. On the occasions described above in which HUSKEY possessed firearms and ammunition, HUSKEY was aware that he had been convicted of a crime punishable by more than a year imprisonment and he was aware that he was not authorized to possess firearms or ammunition.

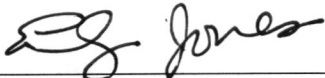
R. ANDREW MURRAY
UNITED STATES ATTORNEY



DAVID A. THORNELOE
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis and the Bill of Indictment in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis and the Bill of Indictment. I hereby certify that the defendant does not dispute this Factual Basis with the exception of those facts to which I have specifically reserved the right to object, and understands that it may be used for the purposes stated above.



Emily M. Jones, Attorney for Defendant

DATED: 10/10/19